

Committee Amendment No. 3.

Amend caption to conform to bill.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 973, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of Texas, of 1925, as heretofore amended, by taking Cherokee County from the Sixth Supreme Judicial District and placing said county within the Ninth Supreme Judicial District; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 340, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

FIFTY-SIXTH DAY.

Senate Chamber,

Austin, Texas,

April 30, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Duggan.
Hill.
Holbrook.
Hornsby.
Isbell.
Martin.
Moore.
Neal.

Oneal.
Pace.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

Hopkins.

Prayer by the chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.**Senate Bill No. 244.**

Pending business was S. B. No. 244.

S. C. R. No. 44.

Senator Poage received unanimous consent to suspend the regular order of business and take up S. C. R. No. 44.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Poage:

Permitting Mrs. Rozella Graves to sue the State.

S. C. R. No. 44 was adopted by viva voce vote.

Senate Bill No. 488.

Senator Moore asked unanimous consent to suspend the regular order and take up S. B. No. 488.

There was objection.

Senator Moore moved to suspend the regular order and take up S. B. No. 488.

Point of Order.

Senator Collie raised the point of order that you cannot displace pending special order until same is disposed of.

The Chair overruled the point of order.

The motion lost by the following vote:

Yeas—8.

Blackert.	Moore.
Burns.	Poage.
Cotten.	Redditt.
Hill.	Woodruff.

Nays—18.

Beck.	Neal.
Collie.	Oneal.
Davis.	Rawlings.
DeBerry.	Regan.
Duggan.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Westerfeld.

Absent.

Pace.	Van Zandt.
Sanderford.	

Absent—Excused.

Fellbaum.	Hopkins.
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S. C. R. No. 47.

Senator Davis sent up the following resolution:

Whereas on March 9, 1933, Em. Wilson and wife, Anna Maude Wilson, sold and conveyed to the State of Texas land for right of way for State Highway No. 7, said deed conveying 1.13 acres, more or less, in Mills County, Texas, and said deed is recorded in Volume 75, page 430, of the deed records of Mills County, Texas; said deed providing, among other things, that the State Highway Department would fence the road running through said land and would make an underpass of sufficient dimensions to allow a cow to go through; and,

Whereas the State Highway Department accepted said deed, and built said highway through the land of said Em. Wilson and wife, Anna Maude Wilson, but failed and refused to build an underpass as provided in said deed, and by reason of such

failure the pasture of the said Wilsons is completely cut off from the residence situated on said farm, which results in great inconvenience and has caused damages far in excess of the amount paid; and,

Whereas Mills County refuses to pay said additional damage or cause said underpass to be constructed as provided in said deed, claiming that the State of Texas is liable and responsible therefor, and the Highway Department refuses to build said underpass or pay damages for the failure to build said underpass, claiming that Mills County is liable and responsible therefor; and because the State Highway Department and Mills County acted together in the acquiring of said right of way, both the State of Texas and Mills County are necessary parties to suit for specific performance or for damages; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Em. Wilson and wife, Anna Maude Wilson, be, and they are hereby granted permission to bring suit against the State of Texas in the District Court of Mills County, Texas, either for specific performance of the terms and provisions of said deed, or for damages as a result of the failure of Mills County and the State Highway Department to build an underpass as provided in said deed; and that in case such suit be filed, services of citation or other necessary process may be had upon the Highway Commissioner and the Attorney General with the same force and effect as is made and provided in civil cases.

DAVIS.

Read and referred to the Committee on State Affairs.

Senate Bill No. 499.

Senator Hornsby asked unanimous consent to suspend the regular order and take up S. B. No. 499.

Unanimous consent was granted.

By Senator Hornsby:

S. B. No. 499, A bill to be entitled "An Act granting permission to the International-Great Northern Railroad Company, Chicago Burlington and Quincy Railroad Company and any other railroad company or car-

rier interested in a shipment of a car-load of steel wheels, with and without rubber tires and also, extra weight steel and iron shipped by the Highway Department of the State of Texas which is also the State Highway Commission of the State of Texas, over said railroads to Davenport, State of Iowa, consigned to French & Hecht, on or about March 22nd., 1932, which shipment was refused acceptance by consignee and payment of freight charges and demurrage remain unpaid by consignor, to bring suit against the State of Texas and the State Highway Commission of Texas in any court of competent jurisdiction in Travis County, Texas, to ascertain the amount, if any, due any and all railroads for freight and demurrage charges on said car load of wheels and steel, refused by the consignee, amounting to the sum of \$871.00, and providing that this Act is not intended to create a cause of action but to provide a remedy; that said suit shall be tried according to law and equity; that said suit shall be governed by the law and procedure as if same was a suit between citizens; providing for service on the State and the Highway Commission and how any judgment shall be paid and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 499 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Face.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by viva voce vote.

Senate Bill No. 442.

Senator Hill asked unanimous consent to suspend the regular order and take up out of order S. B. No. 442.

There was objection.

Senator Hill moved to suspend the regular order of business and take up S. B. No. 442.

The motion prevailed by the following vote:

Yeas—22.

Blackert.	Moore.
Burns.	Neal.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Pace.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.

Nays—2.

Collie. Poage.

Absent.

Beck.	Westerfeld.
Oneal.	Woodruff.
Small.	

Absent—Excused.

Fellbaum. Hopkins.

Senator Collie called for a verification of the vote. The verification showed the roll call to be correct.

The Chair laid before the Senate on its second reading the following bill which had been made special order.

By Senator Hill:

S. B. No. 442, A bill to be entitled "An Act providing for the inspection and fixing a standard for the construction of boilers; providing for the appointment of a boiler inspector; defining boiler, owner and safety device; providing rules for the enforcement of this Act; providing penalties for failure to comply with

the provisions; providing for the exemption of boilers from the provisions of this Act; providing for annual salary of inspector and clerical assistance and supplies; and declaring an emergency."

(With committee substitute.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee substitute was adopted.

Senator Hill sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 442 by striking out Section 14, and renumber the following section to correspond.

HILL.

Read and adopted.

Amendment No. 2.

Amend C. S., S. B. No. 442 by adding on line 11, page 4:

"including the registration thereof with the department."

HILL.

Read and adopted.

Amendment No. 3.

Amend C. S., S. B. No. 442, page 3 line 27 by adding after "secured"

"Provided no injunction or temporary restraining order shall be granted without five (5) days notice and hearing thereon."

HILL.

Read and adopted.

Amendment No. 4.

Amend C. S., S. B. No. 442, page 3, line 25 by adding the following after the word "county":

"In a suit brought by the county or district attorney in the county."

HILL.

Read and adopted.

Amendment No. 5.

Amend the caption to conform to the body of the bill.

HILL.

Adopted.

The bill was read second time, as substituted and amended and passed to engrossment by viva voce vote.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 442 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Burns.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 201.

Senator Neal asked unanimous consent to suspend the regular order of business and take up S. B. No. 201.

Unanimous consent was granted.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 201, A bill to be entitled "An Act amending Section 1-a, Chapter 140 of the Regular Session of the Forty-second Legislature of Texas providing for the organization of school districts, common or independent by the county board of school trustees out of parts of existing school districts on petition of majority of qualified voters residing therein and providing an appeal to the State Board of Education from the action of the county board of school trustees; providing that failure or refusal such board to act shall be treated as a final order to establish such district and that hearing for State Board shall be de novo; repealing all provisions in conflict herewith and making this cumulative, and declaring an emergency."

Read second time and withdrawn by unanimous consent.

Senate Bill No. 388.

Senator Duggan moved that the Senate do not concur in House amendment to S. B. No. 388, and requested that a conference committee be appointed to adjust the differences between the two houses.

The motion prevailed by viva voce vote.

The Chair appointed the following conferees on the part of the Senate on S. B. No. 388:

Senators Duggan, Neal, Cotten Poage and Holbrook.

Executive Session.

On motion of Senator Oneal the Senate at 11:26 o'clock a. m., went into executive session.

After Executive Session.

The Senate was called to order at 11:35 o'clock a. m.

S. J. R. No. 18.

Senator Cotten moved that the Senate do concur in House amendments to S. J. R. No. 18.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Cotten.
Blackert.	Davis.
Burns.	Duggan.
Collie.	Hill.

Hornsby.
Isbell.
Martin.
Moore.
Neal.
Oneal.
Pace.
Poage.
Rawlings.
Redditt.

Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Nays—2.

DeBerry. Holbrook.

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 581

Senator Pace asked unanimous consent to suspend the regular order and take up H. B. No. 581.

Senator Collie objected.

Senate Bill No. 244.

Pending business was S. B. No. 244.

Senator Rawlings had the floor on the pending amendment.

Senator Collie called for the enforcement of the rules.

The pending amendment was adopted by the following vote:

Yeas—15.

Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Woodruff.
Pace.	

Nays—9.

Beck.	Oneal.
Blackert.	Poage.
Burns.	Sanderford.
Collie.	Westerfeld.
DeBerry.	

Absent.

Duggan.	Regan.
Neal.	Sulak.

Absent—Excused.

Fellbaum.	Isbell.
Hopkins.	

S. J. R. No. 26.

The Chair appointed the following conferees on the part of the Senate on S. J. R. No. 26:

Senators Burns, Cotten, DeBerry, Blackert and Oneal.

Senate Bill No. 244.

Senator Rawlings sent up the following amendment:

Amend S. B. No. 244 by striking out after the word "therein" in line 14 of the printed bill, down to and including the word "jury" in line 15.

RAWLINGS.

Read and pending.

Senator Collie sent up the following substitute for the amendment by Senator Rawlings:

Amend S. B. No. 244, line 16, between the words "case" and "as" by striking out the words "or considered by the jury" and by adding the following:

"or any instructions given by the court or such fact argued by the jury."

COLLIE.

Read and pending.

Motion to Recess.

Senator Shivers at 12:05 moved that the Senate recess until 2 o'clock p. m.

The motion prevailed by viva voce vote.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 244.

Pending business was S. B. No. 244. Senator Collie had the floor.

Motion to Set Bills for Special Order.

Senator Duggan moved to set as special order Wednesday after the morning call S. B. No. 114, and House Bills Nos. 743, 749 and 755.

Senator Poage amended the motion as follows:

That H. B. No. 71 be set as special order immediately after the morning call and that the bills included in the motion by Senator Duggan be set immediately following.

Motion pending.

Senator Duggan accepted the amendment by Senator Poage.

Point of Order.

Senator DeBerry raised the point of order that each bill should be voted upon separately.

The Chair sustained the point of order.

House Bill No. 71.

The motion to set as special order H. B. No. 71 prevailed by the following vote:

Yeas—18.

Beck.	Moore.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Westerfeld.

Nays—4.

DeBerry.	Oneal.
Holbrook.	Sulak.

Absent.

Burns.	Small.
Hill.	Van Zandt.
Neal.	Woodruff.
Sanderford.	

Absent—Excused.

Fellbaum.	Hopkins.
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Senate Bill No. 114.

The motion to set S. B. No. 114 as special order prevailed by the following vote:

Yeas—16.

Beck.	Pace.
Blackert.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hornsby.	Shivers.
Martin.	Stone.
Moore.	Westerfeld.

Nays—6.

Collie.	Oneal.
DeBerry.	Sulak.
Holbrook.	Van Zandt.

Absent.

Burns.	Sanderford.
Hill.	Small.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 743.

The motion to set H. B. No. 743 as special order prevailed by the following vote:

Yeas—16.

Beck.	Pace.
Blackert.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hornsby.	Shivers.
Martin.	Stone.
Moore.	Westerfeld.

Nays—6.

Collie.	Oneal.
DeBerry.	Sulak.
Holbrook.	Van Zandt.

Absent.

Burns.	Sanderford.
Hill.	Small.
Isbell.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 749.

The motion to set as special order H. B. No. 749 prevailed by the following vote:

Yeas—17.

Beck.	Neal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hornsby.	Shivers.
Martin.	Stone.
Moore.	

Nays—6.

DeBerry.	Sulak.
Holbrook.	Van Zandt.
Oneal.	Westerfeld.

Absent.

Burns.	Sanderford.
Hill.	Small.
Isbell.	Woodruff.

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 755.

The motion to set for special order H. B. No. 755, prevailed by the following vote:

Yeas—17.

Beck.	Neal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hornsby.	Shivers.
Martin.	Stone.
Moore.	

Nays—6.

DeBerry.	Sulak.
Holbrook.	Van Zandt.
Oneal.	Westerfeld.

Absent.

Burns.	Sanderford.
Hill.	Small.
Isbell.	Woodruff.

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 65.

Senator Oneal moved to set H. B. No. 65 as special order immediately after the disposition of the special order previously set.

The motion prevailed by the following vote:

Yeas—16.

Blackert.	Rawlings.
Burns.	Redditt.
DeBerry.	Regan.
Hornsby.	Shivers.
Moore.	Stone.
Oneal.	Sulak.
Pace.	Westerfeld.
Poage.	Woodruff.

Nays—7.

Beck.	Holbrook.
Collie.	Martin.
Cotten.	Van Zandt.
Duggan.	

Absent.

Davis.	Neal.
Hill.	Sanderford.
Isbell.	Small.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 244.

Senator Collie had the floor on the pending substitute for the amendment by Senator Rawlings to S. B. No. 244.

Motion to Table.

Senator Rawlings moved to table the substitute amendment.

The motion lost by the following vote:

Yeas—12.

Cotten.	Redditt.
Holbrook.	Regan.
Martin.	Shivers.
Moore.	Small.
Pace.	Sulak.
Rawlings.	Woodruff.

Nays—13.

Beck.	Isbell.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Sanderford.
DeBerry.	Stone.
Duggan.	Van Zandt.
Hornsby.	

Present—Not Voting.

Davis.

Absent.

Hill.	Westerfeld.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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Point of Order.

Senator Martin raised the point of order that the matter pending before the house is H. B. No. 244 and the discussion was not germane to the subject.

The Chair overruled the point of order.

The question recurred on the adoption of the substitute by Senator Collie.

The substitute was adopted by the following vote:

Yeas—14.

Beck.	Poage.
Blackert.	Regan.
Collie.	Sanderford.
DeBerry.	Stone.
Hornsby.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.

Nays—12.

Cotten.	Pace.
Davis.	Rawlings.
Hill.	Redditt.
Holbrook.	Shivers.
Martin.	Small.
Moore.	Woodruff.

Absent.

Burns.	Isbell.
Duggan.	

Absent—Excused.

Fellbaum.	Hopkins.
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The amendment as substituted was adopted by viva voce vote.

Motion to Order Previous Question.

Senator Woodruff moved to order the previous question on further consideration of the bill.

The motion was not seconded.

Amend S. B. No. 244 by adding after the word "Jury" in line 15 the following:

And the Court shall charge the jury that the failure to testify in his own behalf shall not be considered as a circumstance of defendant's guilt.

MARTIN.

Read.

Point of Order.

Senator Collie raised the point of order that the subject matter of the amendment had already been acted upon by the Senate.

The Chair sustained the Point of Order.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to engrossment by the following vote:

Yeas—16.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hornsby.	Stone.
Isbell.	Van Zandt.
Neal.	Westerfeld.

Nays—12.

Burns.	Hill.
Cotten.	Holbrook.

Martin.	Shivers.
Moore.	Small.
Pace.	Sulak.
Rawlings.	Woodruff.

Absent.

Davis.

Absent—Excused.

Fellbaum.	Hopkins.
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On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was not suspended on S. B. No. 244 by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hornsby.	Shivers.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—6.

Cotten.	Rawlings.
Hill.	Small.
Holbrook.	Sulak.

Absent.

Davis.

Absent—Excused.

Fellbaum.	Hopkins.
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House Bill No. 407.

Senator Redditt asked unanimous consent to suspend the regular order and take up H. B. No. 407.

Unanimous consent was granted.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Beck:

H. B. No. 407, A bill to be entitled "An Act creating a State system of public employment offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for co-operation with the

States in the promotion of such system, and for other purposes; designating the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment officer, etc., and declaring an emergency."

Senator Redditt yielded to Senator Moore for a privileged motion.

Senate Bill No. 465.

Senator Moore moved that the Senate do concur in House amendments to S. B. No. 465.

The motion prevailed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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House Bill No. 407.

The following committee amendments were read:

Committee Amendment No. 1.

Amend House Bill No. 407 by striking out all below the enacting clause and substituting therefor the following:

"Section 1. The State of Texas accepts the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of national employment system and for co-operation with the states in the promotion of such system, and for other purposes,' in conformity with Section 4 thereof, and will observe and comply with the requirements of said Act.

"Sec. 2. The Bureau of Labor Statistics is hereby designed and con-

stituted the agency of the State of Texas for the purposes of such Act. Said Bureau, its officers and employees, are hereby given full power to co-operate with all authorities of the United States having powers or duties under such Act and to do and perform all things necessary to secure to the State of Texas the provisions of such Act in the promotion and maintenance of a system of public employment offices.

"Sec. 3. There is hereby created within the Bureau of Labor Statistics a division to be known as the Texas State Employment Service, responsible for administering a system of public employment offices for the purpose of assisting employers to secure employees, and workers to secure employment. The Commissioner of Labor Statistics is authorized and directed to establish such offices in such parts of the State as he deems necessary and to prescribe rules and regulations not inconsistent with any of the provisions of this Act.

"Sec. 4. The Commissioner of Labor Statistics, in accordance with the regulations prescribed by the Director of the United States Employment Service, shall appoint the officers and other employees of the Texas State Employment Service created under this Act.

"Sec. 5. All Federal funds made available to this State under said Act of Congress shall be paid into the Treasury of this State, and said funds are hereby appropriated and made available to the Bureau of Labor Statistics to be expended as provided by said Act of Congress and this Act.

"Sec. 6. The sum of Six Thousand (\$6,000.00) Dollars is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the purpose of administering the Public Employment Offices created under this Act, and for the purpose of co-operating with the United States Employment Service for the months of July and August 1935; for the fiscal year commencing the first day of September 1935 and ending August 31, 1936, the sum of Thirty-six Thousand (\$36,000.00) Dollars is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the purpose of administering the Public Employment Offices created under this Act, and for

the purpose of co-operating with the United States Employment Service.

"Sec. 7. This Act shall take effect July 1, 1935.

"Sec. 8. The fact that under the present laws the State of Texas is not permitted to avail itself of the benefits of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), and the further fact that the State of Texas will lose all the benefits of said Act on June 30, 1935, unless in the meantime the Legislature of this State shall have enacted a law accepting the provisions of said Act, and the further fact that unemployment of Texas citizens is the most distressing problem confronting this State at this time, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule for the reading of bills on three several days in each House, and said rule is hereby suspended, and this Act is made to take effect from and after its passage, and it is so enacted."

Read and adopted.

Committee Amendment No. 2.

Amend House Bill No. 407 by striking out all above the enacting clause and substituting therefor the following:

An Act creating a State System of Public Employment Offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system and for other purposes,' designating the Bureau of Labor Statistics as the agency for the administration of this Act; creating a division within the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment offices: authorizing and directing the Commissioner of Labor Statistics to establish employment offices in such parts of the State as he deems necessary, and to prescribe the rules and regulations not inconsistent with any provisions of this Act; authorizing the Commissioner of Labor Statistics to appoint the officers and other em-

ployees of the Texas State Employment Service; providing that the Federal Funds made available to this State under said Act of Congress shall be paid into the Treasury of this State; appropriating said Federal Funds and making them available to the Bureau of Labor Statistics to be expended as provided by said Act of Congress and this Act; appropriating the sum of Forty-two Thousand (\$42,000.00) Dollars for the purpose of maintaining the Public Employment Offices created under this Act and for the purpose of co-operating with the United States Employment Service; providing that this Act shall take effect on July 1, 1935; and declaring an emergency.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 407 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Duggan.	Small.
Hill.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—2.

Holbrook.	Martin.
Absent—Excused.	
Fellbaum.	Hopkins.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Hill.
Burns.	Hornsby.
Cotten.	Isbell.
DeBerry.	Moore.
Duggan.	Neal.

Oneal.
Pace.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.

Shivers.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Nays—4.

Blackert.	Holbrook.
Collie.	Martin.

Absent.

Davis.	Small.
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Absent—Excused.

Fellbaum.	Hopkins.
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House Bill No. 581.

Senator Pace asked unanimous consent to suspend the regular order and take up H. B. No. 581.

There was objection.

Senator Pace moved to suspend the regular order of business and take up out of order H. B. No. 581.

The motion prevailed by the following vote:

Yeas—19.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Shivers.
Hill.	Small.
Hornsby.	Stone.
Isbell.	Van Zandt.
Moore.	

Nays—6.

Holbrook.	Rawlings.
Martin.	Westerfeld.
Poage.	Woodruff.

Present—Not Voting.

DeBerry.

Absent.

Duggan.	Sulak.
Sanderford.	

Absent—Excused.

Fellbaum.	Hopkins.
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The Chair laid before the Senate on its second reading the following bill:

H. B. No. 581, A bill to be entitled "An Act regulating the use of the public highways for the transportation of crude petroleum or the products of crude petroleum by trucks or other vehicles; making it unlawful for the driver or operator of any truck or other vehicle containing petroleum or products of petroleum to transport the same over the public highways of the State unless he has obtained from the person, firm or corporation from whom he received the products contained in his truck or vehicle, a certificate signed by such person, firm, or corporation, showing the name and residence of the driver or operator of such truck or vehicle; the numbers upon the license plate of such truck or vehicle; the day, hour, and place where such truck or vehicle was loaded and the destination of such load, etc., and declaring an emergency."

(With the following committee substitute):

C. S. H. B. No. 581.

A BILL

To Be Entitled

An Act defining the terms or phrases "Commission," "order of the Commission," "oil," "crude oil," "gas," "product," "unlawful oil," "unlawful product," "unlawful gas," "tender," "manifest," "person"; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; providing for the cancellation of tenders and manifests, empowering commission agents, any highway patrolman or peace officer on probable cause to stop and inspect motor vehicles transporting oil or products and without warrants to arrest any driver violating provisions of this Act; making it an offense for any person to knowingly transport, receive or deliver by truck or motor vehicle any unlawful product or unlawful oil; making it an offense for any person to knowingly receive, deliver or transport by truck or motor vehicle oil or any product without authority of a tender when one is required under any order of the Railroad Commission; making it an offense for a consignee to fail to demand and cancel manifest and tenders covering each shipment when same are required; fixing penalties for all such offenses;

making it an offense for any person transporting oil or products by truck or motor vehicle to wilfully and knowingly fail to stop such vehicle when commanded to do so by commission agent or any patrolman or peace officer and making it an offense for such person to fail to permit inspection by such agent or officer of the contents of or shipping papers accompanying such vehicles; providing penalties therefor; providing no criminal action shall be maintained involving Railroad Commission rule; regulation or order or amendment or modification thereof until after such rule, regulation or order or amendment or modification thereof has been promulgated by publishing in three (3) newspapers for three (3) consecutive days complete copy of such rule, regulation or order; providing certificate under seal of Railroad Commission setting forth terms of rule, regulation or order and certifying adoption, promulgation and publication shall be prima facie evidence of such facts and admissible in evidence in any criminal action; empowering Railroad Commission agents and all State Rangers with authority to serve criminal or judicial process; providing where same may be served and how such officers shall make their returns; providing such officers shall receive no extra compensation; providing in complaint, information or indictment alleging violation any order of the Commission it shall be sufficient to allege the substance of such order or terms thereof alleged to have been violated; fixing the venue of all prosecutions under this Act; declaring all unlawful oil and unlawful products transported in violation of this Act to be a nuisance and providing for a forfeiture thereof to the State and providing for the method of enforcing such forfeiture and for the sale, costs and fees for such actions of forfeiture and for the impounding pending such actions of all such unlawful oil and products and exempting the attorneys fees from amounts for which he is accountable under the fee bill; providing provisions of this Act shall be cumulative of Civil Code, Penal Code and Code of Criminal Procedure and remedies herein

shall be cumulative of other remedies in such statutes; providing that the proceedings in rem for forfeiture shall be in addition to and cumulative of criminal penalties; exempting from the provisions of this Act products of petroleum in the hands of the purchaser at retail for the operation of the motor vehicle in which contained; declaring legislative intent to enact each separate provision of this Act independently and that if any clause of this Act is declared unconstitutional same shall not affect any other part of this Act; providing that any person whose application for a tender is rejected or whose application is not acted on within twenty (20) days from date of filing of such application, may appeal from decision of Commission's agent by filing a petition in the District Court of Travis County, Texas; providing that Commission's agent authorized to consider applications for tenders shall endorse on rejected applications reasons for rejecting same; providing that District Court hearing petition relative to rejection or failure to grant tender may sustain, modify or rescind any ruling of Commission's agent and may issue such restraining orders or injunctions as facts may warrant; providing that upon filing such petition in the District Court the clerk thereof shall issue a written notice to the Commission stating the nature of the cause of action set forth in such petition and that no hearing on such petition may be had until after five (5) days from the date of issuance of such notice; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definition of Terms.

(a) The word "Commission" shall mean the Railroad Commission of Texas. The phrase "order of the Commission" shall include any rule, regulation or order adopted by the Railroad Commission of Texas pursuant to the oil and gas conservation statutes of this State, including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto.

(b) The word "oil" or phrase

"crude oil" herein used shall include crude petroleum oil in its natural state as produced and crude petroleum oil from which only the basic sediment of water have been removed. The word "gas" herein used shall include natural gas, bradenhead gas, casinghead gas, and gas produced from an oil well.

(c) The word "product" shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of petroleum and/or any and all liquid products or by-products derived from crude petroleum oil or gas, whether hereinabove enumerated or not.

(d) "Unlawful oil," as that term is used herein shall include oil which has been produced within the State of Texas from any well or wells in excess of the amount allowed by any order of the Commission, and oil which has been produced within said State in violation of any law of said State or in violation of any order of the Commission, and shall include any oil transported in violation of any such law or in violation of any such order.

(e) "Unlawful product" shall be construed to include any product any part of which was processed or derived in whole or in part from unlawful oil or from any produce of unlawful oil, or from unlawful gas, or which is transported in violation of any order of the Commission or in violation of any law of Texas.

(f) "Unlawful gas" shall be construed to include gas produced or transported in violation of any order of the Commission or so produced or transported in violation of any law of Texas.

(g) The word "tender" shall mean a permit or certificate of clearance for the transportation of oil or products approved and issued or registered under the authority of the Commission.

The form of any tender and the application therefor shall be prescribed by order of the Commission and shall show the name and address of the shipper or person tendering oil or products for transportation, name and address of the transporting

agency (where such order requires the transporter to be designated), quantity and true classification of each commodity authorized to be transported, place or places where delivery will be made to the transporting agency, and such other related data as may be prescribed by order of the Commission. A tender shall bear a date and serial number, shall show its expiration date, and shall be executed by the agent or agents authorized by the Commission to deny, approve or register tenders. No tender shall be approved or registered by such agent authorizing the shipment or transportation of any unlawful oil or unlawful product.

(h) The word "manifest" shall be construed to include any document issued by a shipper covering oil or products to be transported by truck or other motor vehicle.

The form of a manifest may be prescribed by order of the Commission, and shall bear a certificate signed by the shipper stating the amount of oil or products and each of them to be transported. A manifest shall show, when required by order of the Commission, the date and serial number of the tender, if a tender is required, authorizing such transportation, or any seal or number or other evidence of such tender, the amount and classification of each such product to be transported, the name and address of the transporting agency, name and address of shipper, name and address of consignee, if known, the name and address of the driver or operator of such truck or vehicle; the number on the license plate on such truck or vehicle; the day, hour and place where such truck or vehicle was loaded and the destination, if known, of such load, and such other related data as may be required by order of the Commission. If the form of manifest is not prescribed by order of the Commission, each shipper required to issue a manifest to a transporter shall utilize the form of manifest commonly used in commercial transactions or the form of manifest required by any State agency or Department of this State to accompany the movement of gasoline.

(i) The word "person" shall include natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator or representative of any kind.

Sec. 2. (a) Whenever, by order

of the Commission, a tender is required before oil or products may be transported, and whenever pursuant to such order, an agent of the Commission approves and issues or registers a tender authorizing the transportation of oil or products by trucks or motor vehicles, it shall be the duty of the person obtaining such tender to sign and issue a manifest to the operator of each such truck or motor vehicle, which manifest shall show the date and serial number of the tender authorizing such transportation; a separate manifest shall be issued for each load carried by such truck or motor vehicle. The person obtaining such tender shall not transport or deliver or cause or permit to be transported or delivered any more nor any different commodity than is authorized by such tender. Each transporter authorized to transport oil or products on a manifest issued by a shipper shall not receive for transportation any different commodity than is described in such manifest and shall not receive oil or products in excess of the amount authorized by such manifest. The person authorized to transport oil or products by a manifest issued by a shipper, which manifest bears on its face the date and serial number of such tender, may rely upon the manifest delivered to him, and each consignee or person to whom oil or a product covered by such manifest is delivered by such transporter may rely upon such manifest as authority for receiving the commodity delivered, provided such manifest appears to be valid on its face, is signed by the shipper, and bears the certificate of the shipper that the transportation of such oil or products is authorized by the tender, the date and serial number of which is shown on such manifest.

(b) Whenever, pursuant to any order of the Commission, the transportation of oil or products by truck or motor vehicle is prohibited without a manifest showing the date and serial number of a tender authorizing such transportation, it shall be unlawful for any person to transport by truck or motor vehicle any oil or products without having or carrying in such truck or vehicle at all times between the point of origin and point of destination of such shipment a manifest bearing the date and serial number of the tender authorizing such transportation; and it shall be unlawful for any person to

ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without furnishing the operator of such truck or motor vehicle a manifest bearing the date and serial number of such tender, authorizing such shipment or transportation; provided, if the person to whom such tender is issued is the operator of such truck or motor vehicle and such tender identifies the truck or motor vehicle by license number and covers one load, such tender in lieu of a manifest may be carried in said truck or vehicle. Products shipped or transported in violation of this section shall be deemed to be unlawful products. Oil shipped or transported in violation of this section shall be deemed to be unlawful oil.

(c) It shall be the duty of every consignee and of every person receiving a shipment of oil or products thereof whenever such shipment is required to be covered by tender or manifest to require that such tender or manifest covering the shipment so delivered to such person shall be surrendered upon the completion of such delivery, which tender or manifest when so delivered to such consignee or person receiving such shipment shall be canceled by writing across the face thereof the date, hour and place of delivery, and signing thereon the name of such consignee or person receiving such delivery. Every such consignee or person receiving such delivery who fails to comply with this section shall be deemed guilty of a violation of this Act.

Sec. 3. In order to enforce the provisions of this Act every agent of the Commission, highway patrolman, sheriff, constable and all peace officers of this State are empowered to stop any motor vehicle which may appear to be transporting oil or products, for the purpose of taking samples of the cargo and inspecting the shipping papers of such motor vehicle, provided such agent or officer shall have probable cause and reasonable grounds to believe that such vehicle is transporting any unlawful oil or unlawful products. If upon examination of such motor vehicle it is found that the same is transporting any unlawful oil or unlawful product, or is transporting any oil or product without authority of a tender required by order of the Commission, such authorized agent or officer shall, with or without warrant,

arrest the driver thereof and carry him before the nearest justice of the peace and file a complaint under this Act against such driver. In any criminal action involving the provisions of this Act, no fee shall be allowed any such agent, patrolman, sheriff, constable or other officer for executing any warrant of arrest or capias or for making any arrest with or without a warrant.

Sec. 4. (a) Every person who transports by truck or motor vehicle, oil or products, who shall wilfully and knowingly fail to stop such truck or vehicle, when commanded to do so by any agent of the Commission or by any authorized officer or who shall wilfully fail to permit inspection by such agent or officer of the contents of or the shipping papers accompanying such truck or vehicle, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(b) Every person who shall knowingly violate any provision of Section two of this Act, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle over any public highway, in this State any unlawful oil or unlawful product, or who shall knowingly ship or transport or cause to be shipped or transported by truck or motor vehicle any oil or product without authority of a tender whenever a tender is required by any order of the Commission, or who shall knowingly receive from any truck or motor vehicle or knowingly deliver to any truck or motor vehicle any oil or product not covered by a tender authorizing the transportation thereof whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

(c) Every person who shall knowingly violate any other provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

Sec. 5. Whenever the Commission shall have adopted, after notice and hearing as provided under other statutes of the State, any rule, regulation or order pursuant to any statute of this State, no criminal

action shall be maintained against any person involving the violation of any provision of such rule, regulation or order, until the Commission shall have promulgated such rule, regulation or order by publishing a complete copy of same in three (3) newspapers of general circulation in the State of Texas (such newspapers to be selected by said Commission) once each day for three (3) consecutive days, and on and after the seventh (7th) day after the date of the last publication such rule, regulation or order shall be effective and enforceable in any criminal action, brought pursuant to this Act. No criminal action shall be maintained against any person involving the violation of any provision of any amendment or modification of any order of the Commission until the Commission shall have promulgated such amendment or modification after its adoption by publishing a complete copy of such amended or modified rule, regulation or order in three (3) newspapers of general circulation once each day for three (3) consecutive days, and, on and after the seventh (7th) calendar day of the last publication, such amendment or modification of such rule, regulation or order shall become effective and enforceable in any criminal action brought pursuant to this Act. However, the absence of promulgation by publication as herein provided shall not affect the enforcement of any order of the Commission in any civil or quasi civil action brought pursuant to any statute of this State.

Sec. 6. A certificate under the seal of the Commission executed by any member or the Secretary thereof, setting forth the terms of any order of the Commission and that has been adopted, promulgated and published and was in effect at any date or during any period specified in such certificate shall be prima facie evidence of all such facts, and such certificate shall be admitted in evidence in any action, civil or criminal, involving such order and the publication thereof without further proof of such promulgation, adoption or publication and without further proof of its contents.

Sec. 7. In all prosecutions, criminal actions, cases proceedings or suits involving the enforcement of the provisions of this Act or of any

order of the Commission all State Rangers and all agents of the Commission shall have the power and authority to serve any criminal or judicial process, warrant, subpoena or writ just the same and as fully as any sheriff, constable or peace officer is authorized under existing laws when so directed by the court issuing such process. Such rangers and such agents of the Commission may serve such process, warrant and subpoena anywhere within the State of Texas although it may be directed to any sheriff or constable of a particular county. They shall make the same return as any other officer, sign their name and add thereunder the title of (in the case of a State Ranger), "State Ranger," and (in the case of an agent of the Commission) the words "Agent, Railroad Commission of Texas," which shall be sufficient to make it valid if the writ is otherwise properly made out. No fees of any kind for such services shall be allowed such State Rangers or agents of the Railroad Commission other than their regular salary or compensation.

Sec. 8. (a) In any complaint, information or indictment alleging a violation of an order of the Commission, it shall not be necessary to set forth fully the terms of such order, and it shall be sufficient therein to allege the substance of the order, or the pertinent term or terms thereof alleged to have been violated.

(b) In any criminal action filed pursuant to this Act, a certificate executed by any Member of the Commission or by the Secretary thereof showing the amount of allowable oil which may be produced per day or during a stated period from any oil well or wells, proof of any production from which is involved in such criminal action, shall be admissible in evidence and shall be prima facie evidence of the facts therein stated.

(c) The venue of a criminal action maintained pursuant to this Act is hereby fixed in the county where the oil or products involved in such criminal action is received or delivered, or in any county in or through which such oil or product is transported.

(d) Nothing herein shall restrict or limit the power of the Commission to adopt rules, regulations or

orders pursuant to the oil and gas conservation statutes of this State including all provisions of Title 102 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto.

Sec. 9. (a) All unlawful oil and all unlawful products transported in violation of any of the provisions of this Act are hereby declared a nuisance and shall be forfeited to the State. It shall be the duty of every officer named in Section three of this Act to seize such unlawful oil or such unlawful product and the vehicle containing the same and to turn the same over to the sheriff of the county in which the same was seized, and such sheriff shall impound the same. Immediately upon such impounding such officer making the seizure shall file a written report thereof with the county clerk of said county within twenty-four (24) hours after the seizure thereof, which report shall show the kind and character of such truck or vehicle, the license numbers thereof, and the kind, character and approximate quantity of the contents of said truck and his appraisal of the value of such contents, which report shall also show that he has turned said seized property over to the sheriff of said county. A copy of said report shall similarly be filed with the county attorney of said county or the district attorney of said district, whichever officer is charged by law with the duty of prosecuting misdemeanor offenses in said county, and it shall be the duty of such attorney immediately to institute a proceeding in rem before the county court of such county for the forfeiture of the contents so impounded to the State. Notice of the pendency of such suit shall be served by posting three copies thereof in three public places in said county, one of such places to be the courthouse door of said county, for ten (10) consecutive days prior to the commencement of the term of court in which such action is to be heard. Upon a trial of said cause if it be shown that the contents of said vehicle are unlawful oil or unlawful products and that the same were being transported in violation of the provisions of this Act judgments shall be entered forfeiting such unlawful oil or unlawful products to the State of Texas. Such

contents shall be sold under the order of said court after notice and in the manner provided under orders of sale from said court and the proceeds of such sale after deducting the cost of such proceeding and the storage charges, if any, upon such property shall be paid into the registry of said court and monthly the clerk of said court shall make remittance to the State treasury of all sums so received under the provisions of this Act.

(b) The officers of said court shall receive the same fees provided by law for other civil actions and in addition thereto such attorney shall be allowed a fee to be charged as costs of ten dollars (\$10.00) in each such action, which fees shall be allowed to such attorney additional to the fees which he may retain by law under the fee bill.

(c) The provisions of this section for the forfeiture of such unlawful oil and/or such unlawful products shall be additional to and cumulative of the criminal fines and penalties provided by the other sections of this Act.

Sec. 10. Whenever an application for a tender is rejected by an authorized agent of the Commission, it shall be the duty of such agent to return one copy of such application to the applicant endorsing thereon all the reasons for such rejection. Such applicant whose tender may be rejected shall have the right to appeal from any action of such agent by filing a petition in the District Court of Travis County, Texas, against the Commission, for a review of the ruling of such agent. The Court hearing such petition shall have the power to sustain, modify or overrule any action of such agent relative to a tender application and to issue such restraining orders or injunctions as the facts may warrant. It shall be the duty of the Clerk of the Court wherein such petition is filed to issue to the Commission a notice setting forth briefly the cause of action stated in such petition. But the court shall not enter any order on any such petition until after a hearing thereon to be heard not less than five (5) days from the issuance of such notice. Any person whose application for tender is not acted on within twenty (20) days from the date of its filing

shall have the right of appeal in the same manner above provided for appealing from a rejection of a tender application. Any person dissatisfied with the decision of the District Court may appeal to the Court of Civil Appeals.

Sec. 11. The provisions of this Act shall be cumulative of all other provisions of the Civil Statutes, the Penal Code and the Code of Criminal Procedure, and the remedies herein provided shall be cumulative of all other remedies provided in the Civil Statutes, the Penal Code and the Code of Criminal Procedure.

Sec. 12. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any clause, sentence or part of this Act shall be declared unconstitutional shall in no event affect any other clause, sentence or part thereof.

Sec. 13. The provisions of this Act shall not apply to the retail purchase of the products of petroleum where such products so purchased at retail are contained in the ordinary equipment of a motor vehicle and are used only for the operation of such motor vehicle in which contained.

Sec. 14. The fact that the laws of this State are now inadequate to provide for an accurate check of the amount of oil and gas being produced within this State and the fact that a great many land owners of this State are being defrauded of their proper royalty interest in oil and gas being produced and that existing laws do not adequately provide sufficient remedies and penalties for enforcing the rules, regulations and orders of the Railroad Commission of Texas, and the fact that by reason of the inadequacies of existing laws the State of Texas is being defrauded of a vast amount of revenue being derived under the gross production tax laws of the State of Texas create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and said rule is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is hereby so enacted.

Read and adopted.

Senate Resolution No. 93.

Senator Shivers was recognized to send up the following resolution:

S. R. No. 93, Memorializing Judge J. D. Campbell.

S. R. No. 93, was adopted unanimously by a rising vote.

Senate Bill No. 10.

On motion of Senator Redditt the Senate concurred in House amendments to S. B. No. 10 by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 581.

The question recurred on H. B. No. 581.

Senator Pace sent up the following amendment:

Amend C. S., H. B. No. 581 by striking out subsection c of Section 2 and inserting in lieu thereof the following:

"It shall be the duty of every person who transports any oil or products by truck or motor vehicle, under conditions that require a tender or manifest as herein provided, to secure from each person to whom any part of such oil or products is delivered a receipt upon the reverse side of said tender or manifest, which receipt shall contain the number of gallons and name of the oil or products delivered, the date of delivery and the signature and address of the purchaser or consignee of said oil or products.

"It shall be the duty of every

person who transports any oil or products by truck or motor vehicle and makes deliveries thereof to keep in this State for a period of two years every such tender or manifest issued to him together with the receipts and endorsements thereon. Such tenders or manifests shall at all times be subject to the inspection of the Railroad Commission, its agents and inspectors.

"Every person who knowingly violates any provision of this section shall be punished by fine of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars."

PACE.

Read and adopted.

Senator Poage sent up the following amendment:

Amend C. S., H. B. No. 581, by adding another subsection to be known as Subsection (d) of Section 2, which subsection shall read as follows:

Sec. 2. (d) "Whenever by order of the Commission a tender is required before oil or products may be transported or received for transportation by pipe line, rail, boat or barge from any point or area in this State designated by order of the Commission, and whenever pursuant to such order an authorized agent of the Commission approves or registers and issues to an initial transporter by pipe line, rail, boat or barge a tender covering oil or products, such initial transporter may deliver to any connecting carrier or consignee the amount of oil or products covered by such tender, but shall not transport or deliver any more nor any different commodity than is authorized by such tender. Whenever such order provides that connecting carriers or consignees may rely upon the shipping papers executed by such initial transporter as authority to transport or receive the oil or products covered by such shipping papers, provided such shipping papers show the date and serial number of the tender issued to the initial transporter, each such connecting carrier receiving oil or products from another transporter by pipe line, rail, boat or barge, and each consignee receiving oil or products by pipe line, rail, boat or barge under authority of shipping papers

bearing the date and serial number of a tender issued to an initial transporter shall be deemed to be receiving such oil or products by authority of a tender under the provisions of this Act.

"Every person who shall knowingly ship or transport or cause or permit to be shipped or transported by pipe line, rail, boat or barge any unlawful product or unlawful oil, or who shall knowingly receive or deliver for transportation by pipe line, rail, boat or barge any unlawful product or unlawful oil, or who shall knowingly ship or transport or cause or permit to be shipped or transported by pipe line, rail, boat or barge oil or any product without authority of a tender whenever a tender is required by any order of the Commission, or who shall knowingly receive or deliver by pipe line, rail, boat or barge oil or any product without authority of a tender whenever a tender is required by any order of the Commission, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2000.00) or by imprisonment in the county jail not to exceed six months."

POAGE.

Read and adopted.

Senator Poage sent up the following amendment to the committee substitute for H. B. No. 581 by striking out on page 4, line 14 "by truck or motor vehicle," page 4, line 32, the same words, page 4, line 32 the words "truck or motor," page 4, line 36, the words "truck or motor," page 4, line 38, the words "truck or motor," page 4, line 55, the word "motor," page 4, line 57, the word "motor," page 5, line 6, the words "by truck or motor," page 5, line 16, the words "by truck or motor."

POAGE.

Read and adopted.

Amend the caption to conform to the body of the bill.

PACE.

Read and adopted.

The bill was read second time as substituted and amended and passed to third reading by viva voce vote.

On motion of Senator Pace the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 581 was put on its third reading and final passage by the follownig vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Woodruff.

Nays—1.

Westerfeld.

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Woodruff.
Neal.	

Nays—1.

Westerfeld.

Present—Not Voting.

Hill.

Absent—Excused.

Fellbaum. Hopkins.

H. J. R. No. 9.

Senator Rawlings moved to re-refer H. J. R. No. 9 to the committee from which it came.

Pending.

Motion to Recess.

Senator Pace at 5:15 o'clock p. m., moved that the Senate recess until 10 o'clock a. m., Wednesday.

Motion to recess pending.

Motion to Suspend the Rule.

Senator Cotten received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

By Senator Cotten:

S. B. No. 525, A bill to be entitled "An Act to reorganize the 87th Judicial District of Texas, to be constituted of Limestone, Freestone and Anderson Counties, Texas, and to provide for the terms thereof; and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

House Bill No. 566.

Senator Neal received unanimous consent to suspend the regular order of business and take up H. B. No. 566.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Celaya:

H. B. No. 566, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incor-

porated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, or which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission, or other governing body of such incorporated city or town has acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 566 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	DeBerry.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hornsby.
Davis.	Isbell.

Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.
Regan.	

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 244.

Senator Collie received unanimous consent to suspend the regular order of business and renewed his motion to suspend the constitutional rule to put on third reading S. B. No. 244.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 244 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Absent.

Blackert. Hill.
Duggan.

Absent—Excused.

Fellbaum. Hopkins.

Read third time and failed of final passage by the following vote:

Yeas—11.

Beck.	Oneal.
Collie.	Poage.
DeBerry.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Neal.	

Nays—13.

Burns.	Davis.
Cotten.	Holbrook.

Martin.
Moore.
Pace.
Rawlings.
Redditt.

Regan.
Shivers.
Small.
Woodruff.

Absent.

Blackert.
Duggan.
Hill.

Sanderford.
Van Zandt.

Absent—Excused.

Fellbaum.
Hopkins.

Verification.

Senator Collie called for a verification of the vote.

The verification showed the roll call to be correct.

Senate Bill No. 49.

Senator Oneal moved that the Senate do not concur in House amendments to S. B. No. 49 and that a conference committee be appointed to adjust the differences between the two Houses.

The motion prevailed by viva voce vote.

Bills and Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 41, S. C. R. No. 41,
H. B. No. 491, S. C. R. No. 46.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. J. R. No. 6. The following are conferees on the part of the House:

Wood of Harrison, Bourne, Rutta, Bradbury and England.

The House has passed the following resolutions:

S. C. R. No. 41, Granting J. M. Walker, of Falls County, Texas, permission to sue the State of Texas for damages.

S. C. R. No. 43, Relative to authorizing certain school districts to file claims for aid under S. B. No. 242.

(With amendments.)

S. C. R. No. 46, Granting Hon. W. F. Robertson, Judge of the 126th Judicial District Court of Texas, permission to be absent from the State of Texas at such intervals as he may see fit during the months of July and August, in the years 1935 and 1936.

H. C. R. No. 82, Granting Mrs. Julia Martin, Miss Roberta Martin, and Mrs. Lela Kelly permission to sue the State of Texas and the Highway Department of the State of Texas for personal injuries.

H. C. R. No. 88, Granting Mrs. Mary M. Wise permission to sue the State of Texas and the Labor Department of the State of Texas for personal injuries.

H. C. R. No. 89, Granting Claude Lindley of Dimmitt County, Texas, permission to sue the State of Texas and the Game, Fish and Oyster Commission of Texas for damages to property.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the conference committee report on H. B. No. 408, by a vote of 80 yeas and 51 nays.

The House requests the appointment of a new conference committee to further consider the differences between the two Houses. The following are the new conferees on the part of the House:

Russell, Hankamer, Adamson, Westfall, and Quinn.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. J. R. No. 14, A joint resolution
"Proposing an amendment to Section

5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor."

(With amendments.)

The House has concurred in Senate amendments to H. B. No. 340 by a vote of 111 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 502 by a vote of 103 yeas and 11 nays.

The House has concurred in Senate amendments to H. B. No. 600 by a vote of 113 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 704 by a vote of 113 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 771 by a vote of 113 yeas, 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. J. R. No. 6, Proposing an amendment to Article 3 of the Constitution of the State of Texas, to be known as Section 51b; authorizing the Legislature to provide for the payment of old age pensions and to classify persons for these pensions, etc.

H. B. No. 31, A bill to be entitled "An Act providing that no person, firm, corporation, association, partnership, contractor, or subcontractor performing any public work for the State, or for any county, municipality, or other political subdivision of this State shall employ any person who is not a citizen of the United States; providing forfeitures as a penalty for violation of this Act, etc., and declaring an emergency."

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 2, and 4, of Chapter 45, Acts of the Forty-third Legislature, Regular Session, relating to the wages paid on public work, and declaring an emergency."

H. B. No. 156, A bill to be entitled

"An Act prohibiting the refund of wages under personal service contract; defining the word 'person'; making exception of labor officials acting as agent of duly constituted labor organizations; providing a penalty, and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act amending Articles 5168, 5169, 5170, and 5172 of Chapter 6, of Title 83, of the Revised Civil Statutes of the State of Texas, 1925, providing that no female employee shall be employed in any factory, mill, workshop, mechanical or mercantile establishment, hotel, restaurant, rooming house, theater, moving picture show, beauty parlor, barber shop, telegraph, telephone, or other office, laundry, cotton, woolen or worsted goods manufacturing plant, express, or transportation company, or any State institution, or any other establishment, institution, or enterprise where females are employed for more than eight (8) hours in any one calendar day nor more than forty-eight (48) hours in any one calendar week; repealing all of Article 5169, repealing all of Article 5170, amending Article 5172, so that it does not apply to mercantile establishments, and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act amending Article 1569 of Chapter 2 of Title 18 of the Penal Code of the State of Texas, 1925, so as to provide that no female shall be employed for more than eight (8) hours in any one calendar day nor more than forty-eight (48) hours in any one calendar week, and providing that laundries or factories engaged in the manufacture of cotton, woolen, or worsted goods or articles of merchandise manufactured out of cotton goods shall not be exempt from the provisions of this Act, and declaring an emergency."

H. B. No. 365, A bill to be entitled "An Act defining the meaning of certain words, terms, and phrases used in the Act creating the Board of Public Utility Commissioners of Texas; prescribing its official seal; providing for the appointment, qualification, tenure, and removal from office of said commissioners; providing for the regulation, government, and supervision of public utilities and their functionings, and prescribing, defining and limiting the jurisdic-

tion, powers, and duties of said board, its members, agents, and employes in connection therewith; levying a tax on public utilities and providing for its assessment and collection, etc., and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 266 by a vote of 114 ayes, 21 nays.

The House has adopted the following resolution:

H. S. R. No. 150, requesting the Senate to return for further consideration H. C. R. No. 66.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. J. R. No. 26. The following are conferees on the part of the House:

Alexander, Gray, Stovall, Cagle, and Jones of Atascosa.

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 36. The following are conferees on the part of the House:

Clayton, Hyder, Tillery, Bergman and Roberts.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions Referred.

H. B. No. 365 was referred to the Committee on State Affairs.

H. B. No. 31 was referred to the Committee on Labor.

H. B. No. 155 was referred to the Committee on Labor.

H. B. No. 156 was referred to the Committee on Labor.

H. B. No. 418 was referred to the Committee on Labor.

H. B. No. 419 was referred to the Committee on Labor.

H. J. R. No. 6 was referred to the Committee on Constitutional Amendments.

H. C. R. No. 88 was referred to the Committee on State Affairs.

H. C. R. No. 82 was referred to the Committee on State Affairs.

H. C. R. No. 89 was referred to the Committee on State Affairs.

Senate Bill No. 513.

Senator Woodruff received unanimous consent to suspend the regular

order of business and take up S. B. No. 513.

The Chair laid before the Senate on its second reading the following bill:

By Senator Fellbaum:

S. B. No. 513, A bill to be entitled "An Act granting to A. T. Sayers, and as next friend for Leonard Sayers, a minor, of San Antonio, Bexar County, Texas, permission to bring suit against the State of Texas and/or the State Highway Department in the District Court of Bexar County, Texas, for damages sustained to his automobile and for personal injuries to said Leonard Sayers, on account of the negligence of an employee of the State Highway Department; providing for place of venue; providing such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 513 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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Senate Bill No. 516.

Senator Woodruff received unanimous consent to suspend the regular order of business and take up S. B. No. 516.

The Chair laid before the Senate on its second reading the following bill:

By Senator Fellbaum:

S. B. No. 516, A bill to be entitled "An Act authorizing the Judge of the Criminal District Court of Bexar County, Texas, to transfer criminal cases to the 37th, 45th, 57th and 73rd District Courts, Bexar County, Texas, describing the procedure therefor and the duty of the district clerk in relation thereto, and providing that all writs, processes, bonds and recognizances in such cases so transferred shall be transferred with said cases and be as binding in the court to which the case or cases are transferred as in the court in which same were originally issued, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by the following vote:

Yeas—29.

Beck.	Holbrook.
Blackert.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.

Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.
Small.	

Absent—Excused.

Fellbaum.	Hopkins.
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The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 516 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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Senate Bill No. 520.

Senator Woodruff received unanimous consent to suspend the regular order and take up S. B. No. 520.

By Senator Fellbaum:

S. B. No. 520; A bill to be entitled "An Act amending the subdivision of Article 199, Revised Civil Statutes of 1925, relating to the district courts of Bexar County, being the subdivision identified by the numbers 37, 45, 57, 73, 94, so as to make such subdivision apply only to the district courts of the 37th, 45th, 57th, and 73rd judicial districts, and so as to provide an additional term for each of said courts; enacting provisions relating to the jurisdiction of said courts and providing for the transfer of cases as between said courts and providing for all things necessary to be done in connection with any such cases so transferred; providing for all things necessary and incidental to the main subject and purpose of this act whether mentioned in the caption or not and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 520 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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House Bill No. 80.

Senator Woodruff received unanimous consent to suspend the regular order of business and take up H. B. No. 80.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Dwyer:

H. B. No. 80, A bill to be entitled "An Act to amend Article 6078, Revised Statutes, dealing with public parks, to read as follows:, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 80 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Hopkins.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Hopkins.

Senate Bill No. 524.

Senator Woodruff received unanimous consent to suspend the regular order and take up S. B. No. 524.

The Chair laid before the Senate on its second reading the following bill:

By Senator Fellbaum:

S. B. No. 524, A bill to be entitled "An Act to provide for fees for constables whose precincts lie in counties having a population of more than 200,000 and less than 300,000 by the last preceding Federal census and whose precincts lie in whole or in part in an incorporated city or town having a population of more than 10,000 by the last preceding Federal census, such fees to be the same as those now allowed to sheriffs and like fees allowed such officers in all cases where the defendant is convicted or pleads guilty and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 524 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Hopkins.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Hopkins.

Senate Bill No. 496.

Senator Westerfeld received unanimous consent to suspend the regular order and take up S. B. No. 496.

The Chair laid before the Senate on its second reading the following bill:

By Senator Westerfeld:

S. B. No. 496, A bill to be entitled "An Act authorizing any city of more than one hundred thousand population, according to the last preceding census, to codify and adopt a code of civil and criminal ordinances

without the necessity of publication, providing for the taking effect of said code upon adoption, providing for the reception in evidence of such code when printed under the supervision of the governing body of said city and the effect of such admission in evidence, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Westerfeld the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 496 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 438.

Senator Moore received unanimous consent to suspend the regular order and take up the following bill:

The Chair laid before the Senate on its second reading the following bill:

By Mr. Morse, et al:

H. B. No. 438, A bill to be entitled "An Act prescribing the fees required of and paid by candidates in primary elections for State Senators and State Representatives in certain counties, and repealing all laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 438 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 900.

Senator Burns received unanimous consent to suspend the regular order and take up the following bill.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Palmer:

H. B. No. 900, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-a,' providing that upon application of ten or more resident citizens of the Counties of Leon, Madison, or Cherokee, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays in the Counties of Leon, Madison, or Cherokee; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 900 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.

Sulak.
Van Zandt.

Westerfeld.
Woodruff.

Absent.

Redditt.

Absent—Excused.

Fellbaum.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent.

Redditt.

Absent—Excused.

Fellbaum.

Hopkins.

House Bill No. 584.

Senator Shivers received unanimous consent to suspend the regular order and take up H. B. No. 584.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKee:

H. B. No. 584, A bill to be entitled "An Act giving to Mrs. Lillian Hargraves, for herself and as next friend of Orin Hargraves, Edith Hargraves and Ed Harold Hargraves, minors of Beaumont, Jefferson County, Texas, consent of the Legislature to file and prosecute suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction in order to determine what compensation, if any, she and the surviving children of the said Lillian Hargraves and O. K. Hargraves are to receive by reason of the death of the said O. K. Hargraves received while an employee of the State Highway Commission;

and providing the State and/or said commission may appeal from said judgment as provided by law without executing any bond and upon the final judgment being recovered against the State and/or State Highway Commission, the same shall be paid out of the State Highway funds; and providing that service in said cause shall be had by citing the Chairman of the Highway Commission and Attorney General, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 584 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

44—Jour.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 473.

Senator Neal received unanimous consent to suspend the regular order and take up S. B. No. 473.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 473, A bill to be entitled "An Act amending Article 6570, Title 113, R. C. S. of Texas, 1925, and declaring an emergency."

(With committee amendments.)

The committee amendments were adopted.

The caption was amended to conform to the body of the bill by unanimous consent.

The bill was read second time as amended and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 473 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Davis.
Blackert.	DeBerry.
Burns.	Duggan.
Cotten.	Hill.
Collie.	Hornsby.

Isbell.	Regan.
Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Nays—1.

Holbrook.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 244.

Senator Woodruff moved to reconsider the vote by which S. B. No. 244 failed of final passage and spread on the Journal.

Motion to Adjourn.

Senator Hornsby at 6 o'clock p. m., moved that the Senate adjourn until 10 o'clock a. m., Wednesday.

The motion lost by viva voce vote.

Senator Pace withdrew his motion to recess.

Motion to Suspend the Regular Order.

Senator Rawlings asked unanimous consent to take up out of its regular order H. B. No. 936.

There was objection.

Senator Rawlings moved to suspend the regular order and take up H. B. No. 936.

The motion prevailed by the following vote:

Yeas—20.

Beck.	Poage.
Blackert.	Rawlings.
Burns.	Regan.
Collie.	Sanderford.
Hill.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—2.

Holbrook. Hornsby.

Present—Not Voting.

DeBerry.

Absent.

Cotten.	Isbell.
Davis.	Redditt.
Duggan.	Shivers.

Absent—Excused.

Fellbaum. Hopkins.

House Bill No. 936.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November, and December, or to take more than ten squirrels in one day or to possess more than twenty squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

Read second time and pending.

Point of "No Quorum."

Senator Holbrook raised a point of "no quorum."

The roll call disclosed "no quorum" present.

Present.

Burns.	Rawlings.
DeBerry.	Redditt.
Holbrook.	Regan.
Hornsby.	Shivers.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Pace.	Westerfeld.
Poage.	Woodruff.

Absent.

Beck.	Hill.
Blackert.	Isbell.
Collie.	Oneal.
Cotten.	Sanderford.
Davis.	Small.
Duggan.	

Absent—Excused.

Fellbaum. Hopkins.

Adjournment.

On motion of Senator Oneal the Senate at 6:07 o'clock p. m., adjourned until 10 o'clock a. m., Wednesday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 285 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 442 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 508 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 404 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 255 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 493 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 12 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 293 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 89 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 328 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 354 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 510 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 499 carefully examined and compared and find same correctly engrossed.
DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, April 29, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 41, carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 46 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 41 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 522, A bill to be entitled "An Act abolishing the 87th Judicial District of Texas, composed of Limestone and Freestone Counties; validating and continuing all causes, processes, writs, bonds and recognizances and making them pending, answerable and returnable and valid in the 77th Judicial District Court respectively; providing that this Act shall become effective on and after January 1, 1937, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

H. B. No. 306, A bill to be entitled "An Act amending Title 116, of the 1925 Revised Civil Statutes of Texas, by adding thereto Article 6699B, providing for the appointment, compensation, duties, expenses, equipment and removal, etc., of County Traffic Officers; providing this Act shall not apply to certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Vice-Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 9, Proposing an amendment to Section 26 of Article 3 of the Constitution of Texas, by adding thereto Section 26a, providing for limitation of number of Representatives for any one county.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BLACKERT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 19, Proposing an amendment to Article III, of the Constitution of the State of Texas, providing for a system of old age pensions.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute for H. J. R. No. 19, do pass, and be printed in bill form.

BLACKERT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 963, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than twenty-two thousand four hundred and fifty (22,450), and not more than twenty-two thousand, eight hundred fifty (22,850), according to the last preceding Federal census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be not printed.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 963 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That all levies and assessments of ad valorem taxes heretofore made by the governing body of any independent school district or city or town in this State, in counties having a population of not less than twenty-two thousand, four hundred fifty (22,450), and not more than twenty-two thousand, eight hundred fifty (22,850), according to the last preceding Federal census, not in excess of the limit now provided by law, which are void or unenforceable because such levies were made and adopted by resolution, motion or other informal action, instead of having been made by order, as required by the Statutes of this State; and all assessments of taxes or assessments of property within the limits of any such independent school district or city or town in this State, subject to taxation under the laws of this State for taxation under such resolution, motion or other informal action, which are insufficient because of the failure of such gov-

erning body to appoint the proper statutory board of equalization, as required by law, and which are insufficient and void, and unenforceable on account of technical irregularities in the manner of preparing the books and reports of the assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Board of Equalization acting for any such independent school district or city or town which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and/or the acts of making such equalization were made orally or informally or in incomplete form, are each and all hereby validated, ratified, approved, confirmed, and declared enforceable, the same as though such levies and assessments of taxes had been made and adopted originally by the proper order, motion or resolution, duly passed, entered of record, and signed by the proper officials of such governing body, and the same as though such assessments of property within such independent school district or city or town for taxation purposes had been made in due and complete form, and the same as though such equalizations and the reports of each of the boards of equalization acting for said independent school districts or city or town had been made in due and regular form, and adopted and accepted in due and regular form. Provided, however, that this Act shall not affect any suit or suits pending at the time same becomes effective, which have been filed for the collection of taxes by any independent school district or city or town in this State; and provided further, that this Act shall not validate any valuation placed upon property by any board of equalization or any tax assessor where such property had been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind, or at a greater percentage of its value than other property assessed for taxation by such independent school district or city or town in which located.

Sec. 2. The fact that some independent school districts and cities

and towns in this State affected by this Act, have inadvertently and erroneously failed to comply strictly with the laws of this State, in assessing and levying ad valorem taxes for such districts and cities and towns for prior years, and are now unable to enforce the collection of the taxes for such years, and the near approach of the close of the present session of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 897, A bill to be entitled "An Act to amend Section 5, of Chapter 271, Acts of the Regular Session of the Forty-second Legislature, which is Article 5421-c, Revised Civil Statutes of Texas, of 1925, providing for the sale of public free school lands under preference right, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

REGAN, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 900, A bill to be entitled "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as "Article 6711-a", providing that upon application of ten (10) or more resident citizens of the Counties of Leon, Madison, or one person living within an enclosure of five hundred (500) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land,

or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes or bays in the Counties of Leon, or Madison; providing for notice and hearing on said application; providing for damages to land owners where roads are opened; providing that the commissioners court shall not be required to keep such roads worked; providing that this Act shall only apply where there is a space of at least five (5) miles along any navigable river, lake or bay with no present road or public thoroughfare; providing for laying out of rights of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in these aforementioned counties; declaring a public necessity for certain roads provided for herein; defining navigable streams shall be applicable to the Counties of Leon or Madison only, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Vice-Chairman.

Committee Amendment No. 1.

Amend House Bill No. 900 by striking out Cherokee County wherever it appears in the bill.

Committee Amendment No. 2.

Amend caption to conform to body of bill.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 902, A bill to be entitled "An Act amending Article 1058, under Title 15, of the Code of Criminal Procedure, Revised Statutes of Texas, of 1925, et seq: Increasing the salaries of bailiffs or deputy sheriffs in certain counties for service as grand jury bailiff or as deputy sheriff; also providing for service as bailiff or as deputy sheriffs in the courts of Dallas and Harris Counties, and increasing salaries of these courts, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass with committee amendments Nos. 1 and 2, and be not printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 902 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 1058 under Section 1, Chapter 98, Page 273, Acts of 1929, shown as Article 1058 of the Code of Criminal Procedure, 1925 Revision, as amended by Acts of 1927, Fortieth Legislature, Page 320, Chapter 217, Section 1, as further amended by Acts of 1927, Fortieth Legislature, First Call Session, Page 154, Chapter 54, Section 1, as further amended by Acts of 1930, Forty-first Legislature, First Call Session, Page 93, Chapter 52, Section 1, and further amended by Acts of 1931, Forty-second Legislature, Page 222, Chapter 130, Section 1, be, and the same is hereby amended so as to read as follows:

Section 1. Article 1058. Each walking grand jury bailiff appointed as such bailiff shall receive as compensation for his services the sum of \$4.00 for each day he may serve, and each riding grand jury bailiff appointed in Counties of a population of 150,000 or more, according to the last Federal census, shall receive as compensation for his services the sum of \$6.00 for each day he may serve, and shall further receive \$1.00 per day for automobile expense and upkeep; provided, however, that not more than ten such bailiffs shall not be employed at any one time, and providing further that the Sheriff or Deputy Sheriff attending any county or District Court in counties of over 350,000, according to the last preceding Federal census shall be paid the sum of \$6.00 for each day the Sheriff or deputy Sheriff shall serve in any of such said courts as bailiffs, and \$1.00 per day as automobile expense and upkeep for each day he may use said automobile.

"The compensation herein provided for shall be paid from the General or Jury Fund of the County affected, as may be determined by the Commissioners Court thereof,

upon sworn accounts showing the Court in which or the Grand Jury for which, said Bailiff, Sheriff, or Deputy Sheriff serves, with a statement showing the dates on which the service was performed and the amounts due. No such claim shall be paid until approved by the foreman of the Grand Jury or the Judge of the Court for which the service was performed, and said claim shall be presented to the Commissioners Court or to the County Auditor in counties having a County Auditor, and shall be allowed in the manner provided by law for so much thereof as may be found due, and no warrant in payment of the amount due shall be paid unless countersigned by the County Auditor, if any."

Sec. 2. The fact that under the existing law there is confusion in the amount paid Bailiffs and Deputy Sheriffs creates an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills be read on three several days be suspended, and said Rule is hereby suspended, and that this bill shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend House Bill No. 902 as follows:

By striking out all above the enacting clause, with the exception of A Bill to be Entitled An Act, and inserting in lieu thereof the following:

Amending Section 1, Chapter 98, Page 273, Acts of 1925, shown as Article 1058 in the Code of Criminal Procedure, 1925 Revision, as amended by Acts of 1927, Fortieth Legislature, Page 320, Chapter 217, Section 1, as further amended by Acts of 1927, Fortieth Legislature, First Call Session, Page 154, Chapter 54, Section 1; as further amended by Acts of 1930, Forty-first Legislature, Fourth Call Session, Page 93, Chapter 52, Section 1, and as further amended by Acts of 1931, Forty-second Legislature, Page 222, Chapter 130, Section 1, so as to provide for the pay of riding and walking grand jury bailiffs in certain counties and fixing compensation therefor, and providing for pay of Sheriffs and Deputy Sheriffs serving as grand jury bailiffs and

balliffs before courts in any county having a population in an excess of 350,000 as shown by the last preceding Federal census, providing such compensation shall be paid out of the general funds of such counties; providing per diem allowance to such bailiffs, Sheriffs and Deputy Sheriffs for automobile expense and upkeep, providing procedure for filing such claim for such compensation repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 566, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, or which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this Act applicable only to cities having a population of not less than one thousand one hundred (1100) and not more than one thousand two hundred and fifty (1250) inhabitants, according to the last preceding United States census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 512, A bill to be entitled "An Act amending Article 2975 Revised Civil Statutes of Texas 1925

requiring the assessor and collector of taxes to furnish to the board that is charged with the duty of furnishing election supplies and to the county clerk separate certified lists of persons who have paid their poll taxes or to whom certificates of exemption have been issued and repealing Article 2977 Revised Civil Statutes of Texas, 1925."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass, but that the Committee Substitute for said bill do pass and be printed in lieu of the original bill.

PACE, Chairman.

C. S. for S. B. No. 512.

A BILL

To Be Entitled

An Act to repeal Article 2977, Revised Civil Statutes of 1925, and to amend Article 2975, Revised Civil Statutes of 1925, so as to require the county assessor and collector of taxes to prepare, certify and deliver in quadruplicate, lists of the qualified voters of each voting precinct, with full particulars, before March 15th of each year, and supplemental lists of those in cities of over ten thousand inhabitants not less than four days prior to any primary or general election, one to the election board to be furnished to the presiding judge of each voting precinct, one to the county clerk to become a record of the commissioners' court, one to the county clerk to be kept posted in his office, and one to the county assessor and collector of taxes to be kept posted in his office, these last two being at all times subject to public inspection until after the last election at which the persons listed are qualified to vote, and to declare an emergency.

Be is enacted by the Legislature of the State of Texas:

Section 1. That Article 2975, Revised Civil Statutes of 1925 be, and the same is hereby amended so as to read as follows:

Before the 15th day of March of each year, the county assessor and collector of taxes shall prepare and certify in quadruplicate, lists of the citizens in each voting precinct who

have paid their poll tax or received their certificates of exemption, the names on each list being arranged in alphabetical order, and to each name its appropriate number as shown by the duplicates retained in his office, with a description of the voter as to his residence, his voting precinct, length of his residence in the state and county, his race, and occupation, and his post office address. If the county has any unorganized county or counties attached to it for judicial purposes, the assessor and collector of taxes shall in like manner prepare and certify in quadruplicate, before the 15th day of March of each year, lists of the citizens in each voting precinct in such unorganized county or counties, who have paid their poll tax or received their certificates of exemption.

The assessor and collector of taxes shall in like manner prepare and certify in quadruplicate not less than five days prior to any primary or general election supplemental lists of all voters who have procured certificates of exemption in accordance with the law subsequent to the date of certification of the original lists herein provided for.

Upon such certification, and before the respective dates above stated, the tax collector shall deliver the lists so prepared and certified, as follows: One to the election board that is charged with the duty of furnishing election supplies, who shall furnish such certified list and supplemental list of the voters of his precinct to each presiding judge of a voting precinct at the time when other election supplies are furnished, another to the county clerk to become a record of the commissioners' court, another to the county clerk to be posted and kept posted in his office, subject at all times to public inspection, until after the last election at which the persons on such list are thereby qualified to vote, and another shall be posted by the county assessor and collector of taxes, and kept posted, in his office, subject at all times to public inspection, until after such election.

Sec. 2. That Article 2977 of the Revised Civil Statutes of 1925, requiring the county assessor and collector of taxes to make on or before March 10th of each year, a state-

ment to the county clerk showing how many poll tax receipts had been issued, and to whom issued, in each voting precinct, be, and the same is hereby repealed.

Sec. 3. The fact that existing laws make no adequate provision for the reporting and making public of the names, description and addresses of citizens who have been paid their poll tax or received their certificates of exemption, and that in consequence the easy detection of fraudulent voters is impracticable, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House should be suspended, and it is hereby suspended, and that this Act should take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 694, A bill to be entitled "An Act amending Article 3883, Revised Civil Statutes of Texas, 1925, as amended Acts 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20, as amended by Acts 1931, Forty-second Legislature, page 822, Chapter 340, as amended by Acts 1933, Forty-third Legislature, page 734, Chapter 220, Section 1 and as further amended by Acts 1934, Forty-third Legislature, Second Called Session, page 123, Chapter 58, Section 1, by adding thereto a new subsection to be known as Subsection 2-a, and amending Article 3902, Revised Civil Statutes of Texas, 1925, as amended Acts 1929, Forty-first Legislature, First Called Session, page 225, Chapter 92, as amended by Acts 1931, Forty-second Legislature, page 364, Chapter 214, as amended by Acts 1933, Forty-third Legislature, page 734, Chapter 220, Section 3, and as further amended by Acts 1934, Forty-third Legislature, Second Called Session, page 123, Chapter 59, Section 2, by adding thereto a new subsection to be known as Subsection 2-a; fixing compensation and excess fees for district attorneys, criminal district attorneys and their

assistants in certain counties; providing the manner in which same may be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PACE, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 524, A bill to be entitled "An Act to provide for fees for constables whose precincts lie in counties having a population of more than 200,000 and less than 300,000 by the last preceding Federal census and whose precincts lie in whole or in part in an incorporated city or town having a population of more than 10,000 by the last preceding Federal census, such fees to be the same as those now allowed to sheriffs and like fees allowed such officers in all cases where the defendant is convicted or pleads guilty and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 558, A bill to be entitled "An Act to establish and maintain a livestock and poultry agricultural experiment station in the piney-woods region of Southeast Texas, in one of the following counties: Liberty, Orange, Hardin, Newton, Jasper or Tyler, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board of Directors to establish and maintain the same, to accept not less than two hundred (200) acres of land as a donation for said experimental station, and to accept money or any-

thing of value for the establishment and maintenance of said station, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 976, A bill to be entitled "An Act amending Section or Subdivision 5 of Article 199 of Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 254, page 887, and changing the times of holding the terms of court of the District Court of the Fifth Judicial District of Texas; and changing the length of the terms of the district court in the counties in said judicial district; enacting necessary provisions with reference to processes, writs, bonds, recognizances, and with reference to grand and petit jurors made necessary by the changes made by this Act, and validating and legalizing the same, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 363, A bill to be entitled "An Act creating the Commission of the Volunteer Army of the War with Spain to be composed of the Governor of the State of Texas, the Adjutant General of Texas and the Department Commander of the United Spanish War Veterans of Texas, and their successors in office, all without extra compensation and the Governor as Chairman; making an appropriation, the income from the principal of which is to be used

for the benefit of aged and indigent Spanish-American War Veterans, their widows and orphans under administration of such commission; providing for the investment of such funds in bonds and/or securities of the University of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 731, A bill to be entitled "An Act making the appropriation out of the General Revenue of the State of Texas for the State Board of Water Engineers to pay the salary of two (2) assistant engineers; for certain supplies; travel expenses and auto maintenance, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 972, A bill to be entitled "An Act authorizing the State Tax Board to use any unexpected portion of an appropriation of eight thousand, four hundred dollars (\$8,400) for traveling expenses for the fiscal year ending August 31, 1935, for the payment of court costs and expenses incident to defending the suit of Atlantic Pipe Line Company vs. Brown County, et al., No. 206, Equity, pending in the United States District Court for the Northern District of Texas, and providing for deposit with the clerk of the court for the future cost, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 87, A bill to be entitled "An Act making appropriation to pay to parties named, funds heretofore paid into the State Treasury under the provisions of Articles 3644 (3574) to 3660, (3591), of the Revised Civil Statutes of Texas of 1925, authorizing State Treasurer to pay same, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 181, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas Patriots and providing for monuments for such Patriots, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 380, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the public treasury; authorizing the payment of such claims on the taking effect of this

Act and the filing with the Comptroller of a copy of the order of the court under seal of the court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, said bill being identical with S. B. No. 216, which has been printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 39, A bill to be entitled "An Act repealing Chapter 53, Acts of the Regular Session of the Forty-second Legislature, 1931; to encourage and aid in the conservation of soil fertility in the counties of Texas, and to maintain the productiveness of agricultural lands for the production of essential foods and commercial crops upon which the public wellbeing depends; authorizing co-operation between counties and owners of lands in conserving soil fertility; provided that the commissioners court shall not go upon the land of any owner unless requested to do so by such owner; and provided further the commissioners court shall not be required to do such work unless such court shall determine that such work is of some public benefit and said court elects to do the work, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 39, Section 4, by adding the words "or drainage," after the words "soil conservation" and before the words "and prevention."

Committee Amendment No. 2.

Amend H. B. No. 39 by adding after Section 5 thereof a new section to be known as Section 5-a, which section shall read as follows:

"Sec. 5-a. This Act shall be cumulative of S. B. No. 227, Acts of the Regular Session of the Forty-fourth Legislature, and shall in no way repeal or impair said S. B. No. 227, or any of the terms or provisions thereof."

Amend caption to conform.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 348, A bill to be entitled "An Act to define and prohibit the manufacture and sales of filled milk; providing for penalties for violation of the Act; providing for the enforcement of the Act by the State Health Officer and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 941, A bill to be entitled "An Act to safeguard the public in the purchase of high grade plant and nursery stock, true to name; further defining the duties of the State Seed and Plant Board; establishing a system of registration and certification for agricultural plants and nursery stock, providing that the State Seed and Plant Board shall prescribe all necessary rules and regulations and pass upon the voluntary applications of breeders, growers, or dealers for registration and certification; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 657, A bill to be entitled "An Act amending Section 19 of H.

B. No. 623, Chapter 180, Acts of Forty-third Legislature, Regular Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 141, A bill to be entitled "An Act declaring the purposes thereof and vesting control of inspection, grades and classifications of tomatoes in Commissioner of Agriculture of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 141 by adding a new section to be numbered Section 15 and numbering the other sections accordingly.

Section 15. Provided, however, that this Act shall not become effective unless and until two-thirds (2/3) of the tomato growers shall have voted in favor of participation in the plan proposed herein at a poll to be conducted by the Secretary of Agriculture provided that a "tomato grower" as used herein is hereby defined as a person, firm or corporation growing as much as one acre of tomatoes. When, and if said Commissioner of Agriculture shall have received said evidences of two-thirds consent, he shall file with the

Secretary of State a certificate declaring the result of said election.

Provided further, that the files of the Commissioner of Agriculture concerning all, or any part of this Act shall at all times be classified as public records and shall be open to inspection by any State official or citizen now privileged to examine public records.

Amend caption to conform.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 94, A concurrent resolution asking the Federal government and State to cooperate in projects to help drouth stricken areas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DeBERRY, Chairman.

Minutes of Committee Meetings.

Minutes of Regular Meeting of Committee on Agricultural Affairs,
Held April 30, 1935.

Present: DeBerry, Chairman, Sulak, Beck, Stone, Duggan, Hill, Neal and Poage.

Absent: Excused Isbell, Small and Van Zandt.

H. C. R. No. 94 reported favorably and to be not printed.

H. B. No. 657 reported favorably and to be not printed.

H. B. No. 941 reported favorably.

H. B. No. 348 reported favorably.

H. B. No. 141 reported favorably with committee amendments.

H. B. No. 39 reported favorably with committee amendments.

DICK DeBERRY, Secretary.

In Memory
of
Judge Jefferson D. Campbell

Senate Resolution No. 93.

WHEREAS, On the 26th day of April, 1935, Judge Jefferson D. Campbell, who presided over the 60th Judicial District at Beaumont, Texas, was called to the Great Beyond, and

WHEREAS, Judge Campbell had served the people of this State for many years as an able lawyer, and for the past twelve years had served the people of Jefferson County as an eminent jurist, and

WHEREAS, Throughout his life Judge Campbell had been a tireless worker in Masonic and church circles, and

WHEREAS, His loss is deeply felt by the people of this State and especially of the District over which he presided, therefore, be it

Resolved that the Senate of Texas extend its deepest sympathy to the family of the late Judge Jefferson D. Campbell, and when it adjourns on this day that it do so in his memory, and that the Secretary of the Senate be instructed to forward copies of this resolution to the surviving members of his family.

SHIVERS.

Read and unanimously adopted by a rising vote.